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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/212,714	12/16/1998	RAO KOCHARLAKOTA	101723	7997
26652	7590	12/05/2006		
AT&T CORP. ROOM 2A207 ONE AT&T WAY BEDMINSTER, NJ 07921			EXAMINER GAUTHIER, GERALD	
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DATE MAILED: 12/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/212,714	Applicant(s) KOCHARLAKOTA, RAO	
	Examiner Gerald Gauthier	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. **Claim(s) 1, 4-5, 7-12, 14-16 and 18-19** are rejected under 35 U.S.C. 103(a) as being unpatentable over Farfan (US 5,946,378) in view of Petrunka (US 6,298,127 B1).

Regarding **claim(s) 1**, Farfan discloses a method of holding in a telecommunications call (column 1, lines 13-19), comprising:

connecting a caller (101 on FIG. 1) to a subscriber (102 on FIG. 1) of a holding service (column 3, lines 7-23) [The subscriber places the caller on hold and the call connection is maintained by the switching office until the subscriber is ready to take the call]; then

determining if the subscriber is available to continue the call (column 3 line 51) from the caller (column 3, lines 47-61) [The system determines when the subscriber is available by responding on the keys "2" or "3" pressed by the subscriber];

connecting the caller to an alternate device (column 4, line 17) that provides alternate services when the subscriber is not available to continue the call (column 4, lines 16-47) [The alternate device "Information-On-Hold service" is connected to the caller until the subscriber is available to take the call];

terminating the alternate services and resuming communication between the caller and the subscriber when the subscriber is available to continue the call (column 4, line 48 to column 5, line 49) [The subscriber presses the "2" key to signal the service to receive the call by terminating the on-hold service].

Farfan fails to disclose determining a portion of total call charges associated with the call.

However, Petrunka teaches determining a portion of total call charges associated with the call that is attributable to one entity other than the subscriber based on the alternate services provided (column 6, lines 52-58).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Farfan using the teaching of separate billing of the call as taught by Petrunka.

This modification of the invention enables the system to determine a portion of total call charges associated with the call so that the user would pay less for the toll call.

Regarding **claim(s) 4**, Farfan discloses a method, wherein the step of connecting a caller comprises: determining if the subscriber is associated with the services (column 2, lines 35-45); and

determining an alternate device that provides alternate services, a key sequence that indicates the subscriber is available to receive a call (column 3, lines 50-54), whether alternate services in progress should be interrupted when reconnecting a caller to the subscriber, and whether alternate services should be provided at any point after the subscriber receives the call (column 4, lines 8-10).

Regarding **claim(s) 5**, Farfan discloses wherein the step of connecting a caller comprises: routing the call through a device (105 on FIG. 1) capable of detecting if the subscriber is available to receive the call (column 2, lines 38-45).

Regarding **claim(s) 7**, Farfan discloses wherein the step of determining if the subscriber is available comprises: receiving a signal from the subscriber indicating that the subscriber is not available to receive the call (column 2, lines 35-45).

Regarding **claim(s) 8**, Farfan discloses, wherein the step of connecting the caller to an alternate device (105 on FIG. 1) comprises: maintaining the connection between the caller and the subscriber as active (column 4, lines 16-30); and

connecting the caller to an IP [The information-on-hold service is the intelligent peripheral] that provides the alternate services (column 2, lines 19-26).

Regarding **claim(s) 9**, Farfan discloses, wherein the step of connecting the caller to an alternate device comprises: connecting the caller to a device (105 on FIG. 2) that provides advertising information to the caller (column 2, lines 38-45).

Regarding **claim(s) 10**, Farfan discloses, wherein the step of terminating the alternate services comprises: receiving a signal ("1") from the subscriber representing that the subscriber is available to receive the call (column 4, lines 48-53).

Regarding **claim(s) 11**, Farfan discloses, wherein the step of terminating the alternate services comprises: receiving a signal ("2") representing that the subscriber is available to receive the call (column 3, lines 47-54); and

interrupting the alternate services to reconnect the caller and the subscriber (column 4, lines 6-15).

Regarding **claim(s) 12**, Farfan discloses a method, wherein the step of terminating alternate services comprises: waiting until the alternate services are complete before reconnecting the caller and the subscriber (column 4, lines 8-10).

Regarding **claim(s) 14**, Farfan discloses a method of time slicing a telecommunications call (column 1, lines 13-19), comprising:

connecting a caller to a called party (column 3, lines 7-23) [The subscriber places the caller on hold and the call connection is maintained by the switching office until the subscriber is ready to take the call]; then:

determining that one of the caller and the called party is not available for communication with the other of the caller and the called party (column 3, lines 47-61) [The system determines when the subscriber is available by responding on the keys "2" or "3" pressed by the subscriber];

connecting the other of the caller and the called party to a device that provides alternate services while the caller or called party is not available (column 4, lines 16-47) [The alternate device "Information-On-Hold service" is connected to the caller until the subscriber is available to take the call];

terminating the alternate services and resuming communication between the caller and the called party when both the caller and the called party are available for communication (column 4, line 48 to column 5, line 49) [The subscriber presses the "2" key to signal the service to receive the call by terminating the on-hold service].

Farfan fails to disclose determining a portion of total call charges associated with the call.

However, Petrunka teaches determining a portion of total call charges that are attributable to at least one of the caller, the called party and another entity based on the alternate services provided (column 6, lines 52-58).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Farfan using the teaching of separate billing of the call as taught by Petrunka.

This modification of the invention enables the system to determine a portion of total call charges associated with the call so that the user would pay less for the toll call.

Regarding **claim(s) 15**, Farfan discloses telecommunications system having a time slicing capability (column 1, lines 13-19), comprising:

connecting means for connecting a caller to a called party (column 3, lines 7-23) [The subscriber places the caller on hold and the call connection is maintained by the switching office until the subscriber is ready to take the call];

availability determining means for determining that one of the caller and the called party after being connected is not available for communication with the other of the caller and the called party (column 3, lines 47-61) [The system determines when the subscriber is available by responding on the keys "2" or "3" pressed by the subscriber];

alternate services means for providing alternate services to the caller when the caller or called party is not available (column 4, lines 16-47) [The alternate device "Information-On-Hold service" is connected to the caller until the subscriber is available to take the call];

terminating means for terminating the alternate services and resuming communication between the caller and the called party when both the caller and the called party are available for communication (column 4, line 48 to column 5, line 49)

[The subscriber presses the "2" key to signal the service to receive the call by terminating the on-hold service]

Farfan fails to disclose determining a portion of total call charges associated with the call.

However, Petrunka teaches charge determining means for determining a portion of total call charges that are attributable to at least one of the caller, the called party and another entity based on the alternate services provided (column 6, lines 52-58).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Farfan using the teaching of separate billing of the call as taught by Petrunka.

This modification of the invention enables the system to determine a portion of total call charges associated with the call so that the user would pay less for the toll call.

Regarding **claim(s) 16**, Farfan discloses a telecommunications system having a time slicing capability (column 1, lines 13-19), comprising:

an originating switch that receives a signal from a caller indicating a desire to be connected with a called party (column 2, lines 27-30) [It is obvious that the connection is originated from a switch connected to the PSTN];

a controller that provides information regarding how the signal from the caller should be handled (column 2, lines 35-41) [The controller will inform the central office to provide the connection to the caller based on the called party number];

a destination switch that connects to the called party based on information from the controller (column 2, lines 27-30) [The central office provides the connection to the caller based on the called party number];

a switching network that interconnects the originating switch with the destination switch (column 2, lines 27-30) [The PSTN routes the call to the appropriate central office for termination];

a sensing device that detects that one of the caller and the called party after being connected is not available for communication (column 2, lines 35-41) [The central office responds to the hook switch to perform the on-hold task]; and

an alternate services device that provides alternate services to the other of the caller and the called party while the caller or called party is unavailable (column 2, lines 19-26) [The information-on-hold service provides to the party on-hold various types of services].

Farfan fails to disclose determining a portion of total call charges associated with the call.

However, Petrunka wherein portions of the call during which alternate services are provided are charged to entities based on the alternate services provided (column 6, lines 52-58).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Farfan using the teaching of separate billing of the call as taught by Petrunka.

This modification of the invention enables the system to determine a portion of total call charges associated with the call so that the user would pay less for the toll call

Regarding **claim(s) 18**, Farfan discloses wherein the sensing device is an IP device (104 on FIG. 1) that detects a lack of communication between the caller and the called party (column 2, lines 35-45)[The central office is the intelligent peripheral device that control lack of communication in the voice path].

Regarding **claim(s) 19**, Farfan discloses wherein the alternate services device is an IP (105 on FIG. 1) that provides advertising information to the caller while the called party is unavailable (column 2, lines 19-26) [The information-on-hold-service is an intelligent peripheral that provides multiple services to the party on hold].

4. **Claim(s) 2** is rejected under 35 U.S.C. 103(a) as being unpatentable over Farfan in view of Petrunka as applied and in further view of Andrews et al (US 5,271,058).

Regarding **claim(s) 2**, Farfan in combination with Petrunka as applied to **claim(s) 1** above differ from **claim(s) 2** in that it fails to disclose an automatic call distributor associated with the subscriber.

However, Andrews teaches a method, wherein the step of connecting a caller comprises: connecting the caller to an automatic call distributor (10 on FIG. 1) associated with the subscriber (column 12, lines 22-31).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Farfan in combination with Petrunka by adding an automatic call distributor associated with the subscriber as taught by Andrews.

The modification will allow the system to manage the receiving call using an automatic call distributor such that the service provider would determine when the subscriber is available.

5. **Claim(s) 3, 6, 17 and 21** are rejected under 35 U.S.C. 103(a) as being unpatentable over Farfan in view of Petrunka as applied to **claim(s) 1** above and in further view of Iida et al (US 5,440,541).

Regarding **claim(s) 3**, Farfan in combination with Petrunka as applied to **claim(s) 1** above differ from **claim(s) 3** in that it fails to disclose an ATM backbone.

However, Iida teaches a method, wherein the step of connecting a caller comprises: connecting the caller to the subscriber through a telecommunications system having an ATM backbone (column 13, lines 30-41).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Farfan and Petrunka by adding an ATM backbone as taught by lida.

The modification will allow the system to manage the receiving call using an ATM backbone such that the subscriber would send the advertising through the switch.

Regarding **claim(s) 6**, lida teaches a method, wherein the step of determining if the subscriber is available comprises: detecting a voice activity between the caller and the subscriber (column 6, lines 54-63).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Farfan in combination with Petrunka by adding the voice activity between the caller and the subscriber as taught by lida.

The modification will allow the system to manage the voice activity between the caller and the subscriber such that the service provider would monitor the call.

Regarding **claim(s) 17**, lida teaches a system, wherein the switching network is an ATM backbone having a multipoint-to-multipoint connection capability (column 13, lines 30-41).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Farfan in combination with Petrunka by adding the switching network is an ATM backbone having a multipoint-to-multipoint connection capability as taught by lida.

The modification will allow the system to manage the receiving call using an ATM backbone such that the subscriber would send the advertising through the switch.

Regarding **claim(s) 21**, lida teaches a system, wherein the sensing device comprises an SCP that does not keep track of called party resources (11 on FIG. 4 and column 4, lines 65-68).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Farfan in combination with Petrunka by adding an SCP as taught by lida.

The modification will allow the system to manage the incoming call using an SCP such that the system would have advertising save in the database.

6. **Claim(s) 13 and 20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Farfan in view of Petrunka as applied to **claim(s) 1** above and further in view of Gregorek et al (US 5,321,740).

Regarding **claim(s) 13**, Farfan in combination with Petrunka as applied to **claim(s) 1** above differ from **claim(s) 13** in that it fails to disclose charges to an entity that owns advertising information.

However, Gregorek teaches a method, wherein the step of determining a portion of total call charges comprises: allocating charges to an entity that owns advertising information that is provided to the caller during the call (column 8, lines 20-25).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Farfan in combination with Petrunka by adding charges to an entity that owns advertising information as taught by Gregorek.

The modification will allow the system to manage the advertising information such that the caller would be billed for communication times with the subscriber only.

Regarding **claim(s) 20**, Gregorek teaches a system, wherein portions of the call during which advertising information is provided to the caller is charged to an advertiser associated with the advertising information (column 8, lines 20-25).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Farfan in combination with Petrunka by adding charges to an advertiser associated with the advertising information as taught by Gregorek.

The modification will allow the system to manage the advertising information such that the advertiser would be billed for portion of the communication times.

Response to Arguments


7. Applicant's arguments with respect to **claim(s) 1-21** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Gerald Gauthier
Primary Examiner
Art Unit 2614

GG
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